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CONFIRMATION NO. FIRST NAMED INVENTOR ATTORNEY DOCKET NO. APPLICATION NO. FILING DATE Howard L. Vandersall 41482/25424 5279 10/16/2001 09/978,602 EXAMINER 21888 12/23/2003 7590 TOOMER, CEPHIA D THOMPSON COBURN, LLP ONE US BANK PLAZA ART UNIT PAPER NUMBER **SUITE 3500** ST LOUIS, MO 63101 1714

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	20
	09/978,602	VANDERSALL ET AL.	
Office Action Summary	Examiner	Art Unit	TY
	Cephia D. Toomer	1714	
The MAILING DATE of this communicated Period for Reply	ation appears on the cover sheet w	ith the correspondence address	\$ <b></b>
A SHORTENED STATUTORY PERIOD FOR THE MAILING DATE OF THIS COMMUNIC.  - Extensions of time may be available under the provisions of after SIX (6) MONTHS from the mailing date of this commun.  - If the period for reply specified above is less than thirty (30) of the proof of the	ATION.  37 CFR 1.136(a). In no event, however, may a dication. days, a reply within the statutory minimum of thi tory period will apply and will expire SIX (6) MOIII, by statute, cause the application to become A	reply be timely filed rty (30) days will be considered timely. NTHS from the mailing date of this commun BANDONED (35 U.S.C. § 133).	ilcation.
1) Responsive to communication(s) filed	on <u>17 September 2003</u> .		
2a) This action is <b>FINAL</b> . 2b)	☐ This action is non-final.		
3) Since this application is in condition fo closed in accordance with the practice			its is
Disposition of Claims			
4) Claim(s) <u>1-14,16-33,35-55,57-72 and</u>		ation.	
4a) Of the above claim(s) is/are			
5) Claim(s) <u>23-33,35-40,63-72 and 74-79</u>		,	
6) Claim(s) <u>1,3,5,6,9,13,14,16-18,22,41,</u>		e rejected.	
7) Claim(s) 2,4,7,8,10-12,19-21,43-45,48 8) Claim(s) are subject to restriction			
Application Papers	or allaror dicollori reguli dineria.		
9) The specification is objected to by the I	Examiner.		
10) The drawing(s) filed on is/are: a		by the Examiner.	
Applicant may not request that any objection		•	
Replacement drawing sheet(s) including the	ne correction is required if the drawing	g(s) is objected to. See 37 CFR 1.3	121(d).
11) The oath or declaration is objected to b	y the Examiner. Note the attache	d Office Action or form PTO-15	52.
Priority under 35 U.S.C. §§ 119 and 120			
12) Acknowledgment is made of a claim for a) All b) Some * c) None of:  1. Certified copies of the priority do 2. Certified copies of the priority do 3. Copies of the certified copies of application from the International	ocuments have been received.  ocuments have been received in A the priority documents have beer	Application No	e
* See the attached detailed Office action of 13) Acknowledgment is made of a claim for since a specific reference was included if 37 CFR 1.78.  a) The translation of the foreign language.	domestic priority under 35 U.S.C. in the first sentence of the specific	§ 119(e) (to a provisional appleation or in an Application Data	
14) Acknowledgment is made of a claim for reference was included in the first senter	domestic priority under 35 U.S.C.	§§ 120 and/or 121 since a spe	
Attachment(s)			
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTC 3) Information Disclosure Statement(s) (PTO-1449) Paper	0-948) 5) Notice of	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)	
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Application/Control Number: 09/978,602

Art Unit: 1714

## **DETAILED ACTION**

This Office action is in response to the remarks filed on September 17, 2003.

The rejections of the claims under 35 USC 103(a) are withdrawn in view of Applicant's arguments.

1. Claims 1, 3, 5, 6, 9, 13, 14, 16-18, 22, 41, 42, 44, 46, 47, 53-55, 57 and 62 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-48 of copending Application No. 09/978,401 as stated in the prior office actions.

Applicant argues that the claims of '401 are broader than those of the present invention and therefore are not encompassed by the present invention. The examiner agrees. However, application '401 contains all of the components of the present invention and is also open to the corrosion inhibitors of the present invention, given that the transitional language of the claim is "comprising". This is shown to be true because several of the dependent claims of '401 recite that a corrosion inhibitor may be included in the composition. The prior art of record also shows that it is conventional to include a corrosion inhibitor in fire retardant compositions. Therefore, it would have been obvious to one of ordinary skill in the art to have included a corrosion inhibitor in the present fire retardant composition to reduce corrosion of the corrodible material used in fighting fires.

2. Claims 2, 4, 7, 8, 10-12, 19-21, 43-45, 48-52 and 58-61 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

Application/Control Number: 09/978,602

Art Unit: 1714

independent form including all of the limitations of the base claim and any intervening claims.

3. Claims 23-33, 35-40, 63-72 and 74-79 are allowable.

The prior art fails to teach or suggest the claimed corrosion inhibitors or their respective concentrates.

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 09/978,602

Art Unit: 1714

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Cephia D. Toomer Primary Examiner Art Unit 1714

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